

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID PIERGROSSI,	:	
	:	
Plaintiff,	:	Civil Action No. 17-01575
	:	
v.	:	Chief Magistrate Judge
	:	Maureen P. Kelly
	:	
DR. PAUL NOEL and	:	
DR. MICHAEL HERBIK,	:	
	:	Filed via Electronic Case Filing
Defendants.	:	

**DOC DEFENDANT'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

DOC Defendant, Dr. Paul Noel, by and through Counsel, hereby moves this Honorable Court, pursuant to Fed.R.Civ.P. 56, to enter partial summary judgment in his favor and against Plaintiff, for the reasons set forth in the supporting brief, namely failure to properly exhaust available administrative remedies.

Respectfully submitted,

Office of General Counsel

By: /s/ Kelly J. Hoke  
Kelly J. Hoke  
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Dated: February 1, 2018

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**CERTIFICATE OF SERVICE**

I hereby certify that the forgoing Motion for Partial Summary Judgment has been filed electronically and is available for viewing and downloading from the ECF system by Bret Grote and Louis J. Kroeck, IV, counsel for Plaintiff, and therefore satisfies the service requirements under *Fed.R.Civ.P. 5(b)(2)(E)*; *L.Cv.R. 5.6*.

/s/Shelly R. Holley \_\_\_\_\_  
Shelly R. Holley  
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Dated: February 1, 2018